

1 MARTIN L. FINEMAN, State Bar No. 104413
2 SUZANNE TOLLER, State Bar No. 129903
3 DAVIS WRIGHT TREMAINE LLP
4 505 Montgomery St., Suite 800
San Francisco, California 94111-6533
Telephone: (415) 276-6500
Facsimile: (415) 276-6599

5 T. SCOTT THOMPSON, *pro hac vice*
6 DAVIS WRIGHT TREMAINE LLP
7 1919 Pennsylvania Avenue, N.W., Suite 200
Washington, D.C. 20006
Telephone: (202) 973-4200
Facsimile: (202) 973-4499

8 ROBERT L. DELSMAN, State Bar No. 142376
9 NEXTG NETWORKS, INC.
10 2216 O'Toole Avenue
San José, California 95131
Telephone: (510) 845-9681
Facsimile: (510) 845-7135

11 Attorneys for Plaintiff/Counter-Defendant
12 NextG Networks of California, Inc..

13 DENNIS J. HERRERA, State Bar #139669
14 City Attorney
15 THERESA L. MUELLER, State Bar #172681
16 WILLIAM K. SANDERS, State Bar #154156
17 THOMAS J. LONG, State Bar #124776
18 Deputy City Attorneys
City Hall, Room 234
San Francisco, California 94102-4682
Telephone: (415) 554-6548
Facsimile: (415) 554-4757

19 Attorneys for Defendants/Counter-Claimant
20 City and County of San Francisco and the
Department of Public Works of the City and
County of San Francisco

21 ROBERT L. FLETCHER, JR., State Bar #46711
22 DEBORAH B. HONIG, State Bar #69017
23 City and County of San Francisco
Tax Collector – Legal Section
P.O. Box 7426
24 San Francisco, California 94120-7426
Telephone: (415) 554-4495
25 Facsimile: (415) 554-5010

26 Attorneys for Counter-Claimant
27 City and County of San Francisco
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NEXTG NETWORKS OF CALIFORNIA, INC.,) No. C 05 0658-MHP
a Delaware corporation,)

Plaintiff,)

v.)

THE CITY OF SAN FRANCISCO and THE)
DEPARTMENT OF PUBLIC WORKS OF THE)
CITY OF SAN FRANCISCO,)

Defendants)

THE CITY AND COUNTY OF SAN)
FRANCISCO,)

Counter-Claimant,)

v.)

NEXTG NETWORKS OF CALIFORNIA, INC.,)

Counter-Defendant.)

**PARTIES' STIPULATION OF
DISMISSAL WITHOUT
PREJUDICE**

Plaintiff/Counter-Defendant NextG Networks of California, Inc. ("NextG") and
Defendants/Counter-Claimant the City and County of San Francisco and the Department of Public
Works of the City and County of San Francisco ("City"), through their undersigned counsel, hereby
stipulate to the dismissal without prejudice of all claims remaining before this Court, pursuant to Rule
41(a)(1) of the Federal Rules of Civil Procedure. Specifically, the parties agree and stipulate to the
dismissal without prejudice of NextG's Second, and Sixth Claims for Relief in NextG's original
complaint filed February 11, 2005, and the City's Counterclaim filed March 6, 2006. Each Party will
bear its own costs and attorneys' fees.

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1 Dated: November 20, 2008

2 MARTIN L. FINEMAN
3 SUZANNE TOLLER
4 T. SCOTT THOMPSON
5 DAVIS WRIGHT TREMAINE, LLP

6 ROBERT L. DELSMAN
7 NEXTG NETWORKS, INC.

8 By: /s/
9 T. SCOTT THOMPSON

10 Attorneys for Plaintiff/Counter-Defendant
11 NextG Networks of California, Inc.

12 Dated: November 12, 2008

13 DENNIS J. HERRERA
14 City Attorney
15 THERESA L. MUELLER
16 Chief Energy and Telecommunications Deputy
17 WILLIAM K. SANDERS
18 THOMAS J. LONG
19 Deputy City Attorneys

20 ROBERT L. FLETCHER, JR.
21 DEBORAH B. HONIG
22 Tax Collector – Legal Section

23 By: /s/
24 WILLIAM K. SANDERS

25 Attorneys for Defendants/Counter-Claimant
26 City and County of San Francisco and the Department of
27 Public Works of the City and County of San Francisco
28

